

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:08 CR 392-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
ERIC D. MITCHELL,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On September 23, 2008, the government filed a two count Indictment, charging Defendant, Eric D. Mitchell, with Felon in Possession of a Firearm in violation of Title 18 United States Code, Section 922(g)(1) and Possession of a Controlled Substance in violation of Title 21 United States Code, Section 844(a). On December 3, 2008, Defendant Mitchell was arraigned and entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On January 23, 2009, Magistrate Judge Nancy A. Vecchiarelli received Defendant Mitchell's plea of guilty to counts 1 and 2 of the Indictment and issued a Report and Recommendation ("R&R")

concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Mitchell is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Mitchell is adjudged guilty to Counts 1 and 2 of the Indictment, in violation of Title 18 United States Code, Section 922(g)(1) and Title 21 United States Code, Section 844(a). This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on April 28, 2009, at 2:00 p.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE